

**To:** Shamet, Stefania[Shamet.Stefania@epa.gov]  
**Cc:** Bemis, James K (Jim) NAB[Jim.Bemis@usace.army.mil]; Seligman, Andrew[Seligman.Andrew@epa.gov]; Jacobus, Thomas P WAD[Thomas.P.Jacobus@usace.army.mil]  
**From:** Gamby, Patricia A WAD  
**Sent:** Mon 11/17/2014 7:33:45 PM  
**Subject:** RE: Response to bypass request (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

I understand.

Let's keep in touch in the next couple of weeks and keep our fingers crossed. Thank you.

Patty Gamby  
202-764-2639 (o)  
202-764-2593 (f)  
patricia.a.gamby@usace.army.mil

-----Original Message-----

From: Shamet, Stefania [mailto:Shamet.Stefania@epa.gov]  
Sent: Monday, November 17, 2014 2:32 PM  
To: Gamby, Patricia A WAD  
Cc: Bemis, James K (Jim) NAB; Seligman, Andrew; Jacobus, Thomas P WAD  
Subject: [EXTERNAL] RE: Response to bypass request (UNCLASSIFIED)

Happy to give it a whirl, but can't promise it will be signed by end of the month given how long it took the last time.

-----Original Message-----

From: Gamby, Patricia A WAD [mailto:Patricia.A.Gamby@usace.army.mil]  
Sent: Monday, November 17, 2014 2:26 PM  
To: Shamet, Stefania  
Cc: Bemis, James K (Jim) NAB; Seligman, Andrew; Jacobus, Thomas P WAD  
Subject: RE: Response to bypass request (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Hi Stef -

I apologize for taking so long to get back to you. Jim and I were just able to communicate on this today.

I believe that the intent of the letter is to give Washington Aqueduct the authorization to discharge as we requested but I'm afraid that a third party could read the approval letter literally and argue otherwise. Specifically, the first paragraph referencing "the two Georgetown Sediment basins" simply states that EPA received our request. The fact that we requested to discharge two basins does not necessarily imply that EPA has authorize discharging two basins. Also, the second to last paragraph does reference our written request to discharge two basins but it says, "...approves the request for authorization of "an" anticipated bypass". The request is for two distinct bypass events.

The river has been at or below 3.0 ft since we received this letter. Presently it is at 2.96 but even with today's rain it doesn't look like it is going to rise significantly. Considering the river stage and work

scheduling, I don't believe we will be in a position to discharge before the beginning of December.

I am requesting that you amend the letter to clarify the intent. It could be as simple as revising the first two paragraphs on the second page as illustrated in the attachment.

Please let me know if you would like to discuss this. I will be in the rest of the week.

Thank you.

Patty Gamby  
202-764-2639 (o)  
202-764-2593 (f)  
patricia.a.gamby@usace.army.mil

-----Original Message-----

From: Shamet, Stefania [mailto:Shamet.Stefania@epa.gov]  
Sent: Tuesday, November 11, 2014 1:31 PM  
To: Gamby, Patricia A WAD  
Cc: Bemis, James K (Jim) NAB; Seligman, Andrew; Jacobus, Thomas P WAD  
Subject: [EXTERNAL] RE: Response to bypass request (UNCLASSIFIED)

Patty: I see the confusion because the rationale focuses on basin # 2, but I think the first paragraph referencing the "two" Georgetown Sediment basins and in the second to last paragraph approving the request gives you what you need. If you and Jim feel differently, feel free to give me a call and we can discuss an amended letter.

-----Original Message-----

From: Gamby, Patricia A WAD [mailto:Patricia.A.Gamby@usace.army.mil]  
Sent: Tuesday, November 11, 2014 11:04 AM  
To: Shamet, Stefania  
Cc: Bemis, James K (Jim) NAB; Seligman, Andrew; Jacobus, Thomas P WAD  
Subject: RE: Response to bypass request (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Stef -

The letter authorizes us to discharge from Sedimentation Basin #2 at Georgetown. Our request was for authorization for one discreet discharge from each of the two sedimentation basins - basin #1 and basin #2 - at Georgetown.

It is our intention to discharge basin #1 first, clean it thoroughly, getting all of the residuals that could not be reached by the dredge, then discharge basin #2 using basin the cleaned basin #1 to supply water to the McMillan WTP. That will give us time to discharge the larger basin #2, containing a greater quantity of residuals slowly without impacting the McMillan plant production.

I don't know if the authorization to discharge basin #2 only was intentional or an oversight.

I am at home today but you can reach me by email. I will be in the office all day tomorrow and can be reached by email or by phone at 202-764-2639.

Thank you.

Patty Gamby  
202-764-2639

-----Original Message-----

From: Shamet, Stefania [mailto:Shamet.Stefania@epa.gov]  
Sent: Monday, November 10, 2014 1:36 PM  
To: Gamby, Patricia A WAD; Jacobus, Thomas P WAD  
Cc: Bemis, James K (Jim) NAB; Seligman, Andrew  
Subject: [EXTERNAL] Response to bypass request

All: Attached please find EPA's response to the Washington Aqueduct's request for approval of an anticipated bypass pursuant to Part II, Section B, Paragraph 3 of its NPDES Permit No. DC0000019 and 40 CFR 122.41(m).

I have re-reviewed the original letter agreement among the U.S. Park Service, the USFWS, the NMFS, EPA, and the Corps. I do not believe the letter agreement, which primarily addresses the FFCA and permit re-issuance, requires notice to the signatory agencies. EPA will notify the DC DOE.

Please feel free to contact me if you have any questions. A hard copy will follow.

Sincerely,

Stefania D. Shamet

Senior Assistant Regional Counsel

USEPA Region III

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